

1 STEVEN F. GRUEL (CSBN 213148)  
2 655 Montgomery Street, Suite 1700  
3 San Francisco, California 94122  
4 Telephone Number (415) 989-1253  
5 Fax Number (415) 576-1442  
6 attystevengruel@sbcglobal.net

7 Attorney for Glenio Silva

8  
9  
10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13  
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,

16 ) No. CR-07-00678-JSW  
17 )  
18 Plaintiff, ) DECLARATION OF STEVEN F. GRUEL IN  
19 ) SUPPORT OF DEFENDANT GLENIO  
20 ) SILVA'S REPLY TO GOVERNMENT  
21 ) OPPOSITIONS  
22 )  
23 ) Hearing: August 21, 2008 @ 2:30 p.m.  
24 )  
25 )  
26 )

15 Vs. GLENIO JESUA FERREIRA SILVA,

16 ) Defendant.  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )

18 I, STEVEN F. GRUEL, declare as follows:

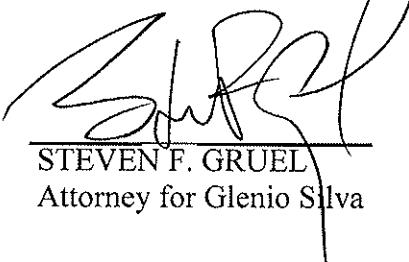
19  
20 1. I make this declaration in support of defendant Glenio Silva's Reply to the Government  
21 Oppositions.  
22  
23 2. Attached hereto as Exhibit A are articles I printed off the internet from the website  
24 SFGATE. These are articles appeared in the *San Francisco Chronicle* on August 3, 2008; July  
25 20, 2008, July 16, 2008 and July 1, 2008.

26 I declare under penalty of perjury that the foregoing is true and correct to the best of my

27  
28 *DECLARATION OF STEVEN F. GRUEL IN SUPPORT OF GLENIO SILVA'S MOTION TO SUPPRESS STATEMENTS*

1  
2 personal knowledge.  
3

4 Executed this 6<sup>h</sup> day of August 2008, at San Francisco, California.  
5

6   
7 STEVEN F. GRUEL  
8 Attorney for Glenio Silva  
9

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
698  
699  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
798  
799  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
898  
899  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008  
1009  
1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026  
1027  
1028  
1029  
1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039  
1039  
1040  
1041  
1042  
1043  
1044  
1045  
1046  
1047  
1048  
1049  
1049  
1050  
1051  
1052  
1053  
1054  
1055  
1056  
1057  
1058  
1059  
1059  
1060  
1061  
1062  
1063  
1064  
1065  
1066  
1067  
1068  
1069  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078  
1079  
1079  
1080  
1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098  
1099  
1099  
1100  
1101  
1102  
1103  
1104  
1105  
1106  
1107  
1108  
1109  
1109  
1110  
1111  
1112  
1113  
1114  
1115  
1116  
1117  
1118  
1119  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
1129  
1130  
1131  
1132  
1133  
1134  
1135  
1136  
1137  
1138  
1139  
1139  
1140  
1141  
1142  
1143  
1144  
1145  
1146  
1147  
1148  
1149  
1149  
1150  
1151  
1152  
1153  
1154  
1155  
1156  
1157  
1158  
1159  
1159  
1160  
1161  
1162  
1163  
1164  
1165  
1166  
1167  
1168  
1169  
1169  
1170  
1171  
1172  
1173  
1174  
1175  
1176  
1177  
1178  
1179  
1179  
1180  
1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188  
1189  
1189  
1190  
1191  
1192  
1193  
1194  
1195  
1196  
1197  
1198  
1199  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236  
1237  
1238  
1239  
1239  
1240  
1241  
1242  
1243  
1244  
1245  
1246  
1247  
1248  
1249  
1249  
1250  
1251  
1252  
1253  
1254  
1255  
1256  
1257  
1258  
1259  
1259  
1260  
1261  
1262  
1263  
1264  
1265  
1266  
1267  
1268  
1269  
1269  
1270  
1271  
1272  
1273  
1274  
1275  
1276  
1277  
1278  
1279  
1279  
1280  
1281  
1282  
1283  
1284  
1285  
1286  
1287  
1288  
1289  
1289  
1290  
1291  
1292  
1293  
1294  
1295  
1296  
1297  
1298  
1299  
1299  
1300  
1301  
1302  
1303  
1304  
1305  
1306  
1307  
1308  
1309  
1309  
1310  
1311  
1312  
1313  
1314  
1315  
1316  
1317  
1318  
1319  
1319  
1320  
1321  
1322  
1323  
1324  
1325  
1326  
1327  
1328  
1329  
1329  
1330  
1331  
1332  
1333  
1334  
1335  
1336  
1337  
1338  
1339  
1339  
1340  
1341  
1342  
1343  
1344  
1345  
1346  
1347  
1348  
1349  
1349  
1350  
1351  
1352  
1353  
1354  
1355  
1356  
1357  
1358  
1359  
1359  
1360  
1361  
1362  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1369  
1370  
1371  
1372  
1373  
1374  
1375  
1376  
1377  
1378  
1379  
1379  
1380  
1381  
1382  
1383  
1384  
1385  
1386  
1387  
1388  
1389  
1389  
1390  
1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398  
1399  
1399  
1400  
1401  
1402  
1403  
1404  
1405  
1406  
1407  
1408  
1409  
1409  
1410  
1411  
1412  
1413  
1414  
1415  
1416  
1417  
1418  
1419  
1419  
1420  
1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1429  
1430  
1431  
1432  
1433  
1434  
1435  
1436  
1437  
1438  
1439  
1439  
1440  
1441  
1442  
1443  
1444  
1445  
1446  
1447  
1448  
1449  
1449  
1450  
1451  
1452  
1453  
1454  
1455  
1456  
1457  
1458  
1459  
1459  
1460  
1461  
1462  
1463  
1464  
1465  
1466  
1467  
1468  
1469  
1469  
1470  
1471  
1472  
1473  
1474  
1475  
1476  
1477  
1478  
1479  
1479  
1480  
1481  
1482  
1483  
1484  
1485  
1486  
1487  
1488  
1489  
1489  
1490  
1491  
1492  
1493  
1494  
1495  
1496  
1497  
1498  
1499  
1499  
1500  
1501  
1502  
1503  
1504  
1505  
1506  
1507  
1508  
1509  
1509  
1510  
1511  
1512  
1513  
1514  
1515  
1516  
1517  
1518  
1519  
1519  
1520  
1521  
1522  
1523  
1524  
1525  
1526  
1527  
1528  
1529  
1529  
1530  
1531  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547  
1548  
1549  
1549  
1550  
1551  
1552  
1553  
1554  
1555  
1556  
1557  
1558  
1559  
1559  
1560  
1561  
1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1569  
1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1579  
1580  
1581  
1582  
1583  
1584  
1585  
1586  
1587  
1588  
1589  
1589  
1590  
1591  
1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1599  
1600  
1601  
1602  
1603  
1604  
1605  
1606  
1607  
1608  
1609  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626  
1627  
1628  
1629  
1629  
1630  
1631  
1632  
1633  
1634  
1635  
1636  
1637  
1638  
1639  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1699  
1700  
1701  
1702  
1703  
1704  
1705  
1706  
1707  
1708  
1709  
1709  
1710  
1711  
1712  
1713  
1714  
1715  
1716  
1717  
1718  
1719  
1719  
1720  
1721  
1722  
1723  
1724  
1725  
1726  
1727  
1728  
1729  
1729  
1730  
1731  
1732  
1733  
1734  
1735  
1736  
1737  
1738  
1739  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1769  
1770  
1771  
1772  
1773  
1774  
1775  
1776  
1777  
1778  
1779  
1779  
1780  
1781  
1782  
1783  
1784  
1785  
1786  
1787  
1788  
1789  
1789  
1790  
1791  
1792  
1793  
1794  
1795  
1796  
1797  
1798  
1799  
1799  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1819  
1820  
1821  
1822  
1823  
1824  
1825  
1826  
1827  
1828  
1829  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1849  
1850  
1851  
1852  
1853  
1854  
1855  
1856  
1857  
1858  
1859  
1859  
1860  
1861  
1862  
1863  
1864  
1865  
1866  
1867  
1868  
1869  
1869  
1870  
1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889<br



The goal of the grant program, according to the request for bids, was to further the city's "proud tradition as a haven for immigrants."

In addition to immigration attorneys, Newsom's office envisioned the program helping young felons obtain housing, food, clothing, educational and vocational training, English-language instruction, medical care and mental health assessments.

The program would also provide "spiritual, cultural enrichment and recreation activities."

Joseph Russoniello, the U.S. attorney for the northern district of California and a critic of San Francisco's past policy of not turning over undocumented juvenile immigrant felons for deportation, said the mayor's office was funding programs that might be violating federal law.

"What it means to me," he said, "is they took the concept of **sanctuary**, and they applied it in a way that it is as close to harboring as I've ever seen."

Federal law bars people from knowingly harboring undocumented immigrants. Russoniello said the city grant program relied on young immigrant offenders staying in the juvenile justice system, away from federal authorities who might want to deport them.

"Then, they accommodate them by providing all these services to continue their unlawful status," he said. "The city, in this case, is using taxpayer dollars to basically endear itself to activist groups that need funding for their activities."

When the program was created in 2006, the head of the Mayor's Office of Criminal Justice was Allen Nance. He is now the No. 2 official in the Juvenile Probation Department, which is responsible for housing underage offenders and advising Juvenile Court justices on how their cases should be handled.

In an interview, Nance denied that providing services to juvenile illegal immigrant offenders was helping to shield them from deportation.

"That was simply not what the grant was," he said.

He said some of the youths were victims of abuse, abandonment or neglect, were seeking legal status refuge in the United States and should be able to do that through the immigration courts. That was the reason for providing them with legal help, he said.

## Crime-fighting tool

Nance said the effort was also part of a "local action plan" to reduce juvenile crime. "We needed to work to correct those problems involving juvenile delinquency," he said. "We needed to find ways to intervene early on."

Nance said the idea was to help immigrant youths who couldn't speak English, weren't living with parents and were committing crimes, to find "services to deal with the challenges they were facing."

"All kids face, as adolescents, making bad decisions at times," Nance said. "The goal of the program was ... to correct any signs of delinquent behavior and afford youth an opportunity to continue to live a crime-free life, which is our expectation of any youth."

Kevin Ryan, Russoniello's predecessor at the U.S. attorney's office and now the head of the Mayor's Office of Criminal Justice, declined to respond to Russoniello's suggestion that the city was violating federal law.

"I'm taking a look at this," he said, "and not going to comment on any particular accusation. I'm aware of the harboring statute. I'm just taking a look at it."

## 'Top to bottom' review

<b>CORP</b>
<a href="#">About Top Jobs</a>
<a href="#">View All Top Jobs</a>
<a href="#">Search more Jobs</a>
PROVIDED BY <b>YAHOO! hotjobs</b>



Come celebrate  
25 years of aloha

White sand beaches.  
Luxury spa.  
Championship golf.  
No hidden resort fees.



**MAUNA LANI**  
RESORT

Quality Vacation Lodging

## HOMES



### Make a big splash with a little water

A fish pond can transform the bleakest backyard into a lush hideaway. I wouldn't have...

[Reverse mortgages: Bad rap or bad idea?](#)

[How to negotiate closing costs](#)

[Mom can't control her adult son's lease](#)

[Search Homes »](#)

## CARS

### Nissan cars to push back when drivers put the pedal to the metal

Nissan Motor Co. will soon sell cars that push back when drivers try to floor it. It has also developed a test model packed with additional sensor...

[Kia introduces full-size Borrego SUV](#)

[Car leasing's fall means cost climb](#)

[Vote for the best auto services in the Bay Area](#)

[Search Cars »](#)

## JOBS

### Union says back-channel talks held with studios

Screen Actors Guild said back-channel talks are under way with Hollywood studios on a contract to replace the one that expired on June 30...

[U.S. unemployment rate hits 4-year high](#)

[Hillary Clinton rouses union workers in S.F.](#)

[GM may consider more layoffs](#)

[Search Jobs »](#)

## ADVERTISERS

[Save \\$400 Per Couple!](#)  
[Pleasant Holidays](#)

"If the law is not being followed, we will fix the problem," said Nathan Ballard, Newsom's spokesman, adding that the mayor has told Ryan to conduct a "top to bottom" review of the city's **sanctuary** policies and practices.

Ryan said he will decide "whether we should change our practices going forward."

The grant proposal was suggested by David Onek, then the second-in-command of the Mayor's Office of Criminal Justice. Newsom recently named him to the Police Commission.

From 1999 to 2002, before joining the mayor's office, Onek was a staff attorney for Legal Services for Children - one of the agencies that the mayor's office later selected to receive grant money. The nonprofit took in more than \$164,000 in city money from 2006 to 2008 to help illegal immigrants in the juvenile justice system, city records show.

Onek declined to comment last week, noting that he no longer works for the mayor's office.

### **Legal aid for migrant kids**

Legal Services for Children advised a total of 52 youths in San Francisco's juvenile justice system about their immigration status and legal rights, said the center's executive director, Shannan Wilber.

Wilber said that of the 52 immigrants, 25 were ultimately provided immigration attorneys free of charge. Of those, seven have obtained legal status in the United States, seven dropped out of the program and the immigration cases for 11 are still pending, she said.

Wilber said the offenders' efforts to seek legal status in immigration court would be jeopardized if they were forced into detention hearings, where the burden is on them to show why they should not be deported.

She said the juveniles also need legal help in the immigration court system, because many of them have been brought to this country by drug traffickers they are reluctant to identify for fear of retaliation.

Another agency that received funding from the mayor's office, Mission Neighborhood Centers, used the \$150,000 it received from 2006 to 2008 for what it described as "case intervention" for immigrant felons being held at juvenile hall.

"These youth need assistance in housing, education, job placement and immigration status," the group said in its grant statement. It said it would locate eligible offenders through "street outreach" and work with the public defender's office.

The staffer listed as the contact on the group's grant application, Tracy Gallardo-Brown, now works as a community builder for the city's Department of Children, Youth and Their Families. She did not return calls seeking comment.

Santiago Ruiz, executive director of Mission Neighborhood Centers, said he expects an additional \$100,000 from the Mayor's Office of Community Investment, formerly the Office of Community Development, this year under the grant. He said his group has been working to get high school equivalency diplomas for former gang members as well as immigrants.

"They are at-risk individuals - most likely they are recent immigrants," Ruiz said. "Whether they are here legally, we are not even supposed to ask. The idea is not to discourage people immediately about their status."

He said the agency does not help youths convicted of violent crimes. "These are behavioral issues that are beyond our ability to provide services," Ruiz said.

Another grant recipient, the Mission-based Instituto Familiar de la Raza, obtained \$143,000 over two years and is due for another \$100,000 this year. The group's director, Estela Garcia, did not return calls seeking comment.

ID theft is happening everywhere. Get Protected  
Own Timeless Beautiful Photos From Chronicle Collection

## Range of activities

According to its grant statement, the agency uses the money for a case management program for immigrant youths in the juvenile justice system to provide "a wide range of activities including informational workshops, assistance with accessing referrals to educational and vocational placement, immigration information and mental health services."

"Youth receiving services have the opportunity to enroll into our arts and cultural affirmation activities," the group said.

The grant program was not without controversy, even among other nonprofits. When the mayor's office started the effort, a coalition of 20 nonprofit agencies called the Juvenile Justice Providers Association filed a request with the mayor's office to review the bidding process, said Jessica Hazard al-Tawqi, then the head of the coalition.

Al-Tawqi, who now works as a program officer for the Department of Children, Youth and Their Families, would not say what her concerns had been, other than they were not about the goals of the program. "It was a lot of money," she said, "for a lot of services."

Newsom's office has renewed the grant program for another year, but with a twist.

In June, the city awarded Mission Neighborhood Centers and Instituto Familiar de la Raza \$100,000 each to continue the efforts they began in 2006. However, in the grant program's title, Newsom's office has removed the reference to "undocumented" immigrants.

-- To read past Chronicle coverage of the immigrant **sanctuary** program and policies - and the impact in San Francisco - go to [sfgate.com/ZEKC](http://sfgate.com/ZEKC)

## Story so far

How San Francisco came to protect juvenile undocumented immigrant felons from possible deportation, and recent steps the city has taken.

**Sanctuary city** In 1985, Mayor Dianne Feinstein signed legislation passed by the Board of Supervisors that designated San Francisco as a **sanctuary** city for immigrants seeking asylum from El Salvador and Guatemala, whose right-wing governments were backed by the Reagan administration. Four years later, the city extended the policy to all immigrants and indicated that the city could not use its resources or funds to assist federal immigration law enforcement, except when required by federal law.

In 1992 and 1993, the legislation was altered to allow law enforcement to report felony arrests of suspected undocumented immigrants to federal authorities. In 1994, the city attorney said juveniles booked on felony charges were not exempt from being reported.

Sometime in the 1990s, San Francisco officials began interpreting the ordinance along with state juvenile law as preventing them from referring undocumented immigrants in the juvenile justice system to federal authorities for deportation. Advocates say they reached an informal agreement with federal officials in 1996, but federal officials dispute that.

**Free flights** Rather than send juvenile offenders through the deportation system, which could result in their being legally barred from ever returning to the United States, juvenile probation officials flew some immigrant youths directly to their homeland. Mayor Gavin Newsom has estimated that such flights cost the city nearly \$39,000 since mid-2006.

**Feds find out** Federal immigration authorities in Houston stopped one of the flights in December, seized two underage drug dealers being taken to Honduras and questioned the San Francisco juvenile probation officer who was accompanying them. Federal authorities then met with city juvenile justice officials, but the two sides' accounts of what was said vary. Federal officials say they insisted that the flights were illegal, while the city's juvenile probation chief says there were simply questions raised about the legality.

In May, another flight was stopped in Houston, and this time federal authorities detained a San Francisco juvenile probation officer for several hours. Newsom says he ordered the flights stopped at this time.

**Group homes** Still not wanting to turn over undocumented immigrant offenders for deportation, juvenile justice officials started sending young drug dealers in May to group homes hundreds of miles from S.F. Twelve of the 13 offenders sent to the unlocked homes escaped, and 10 are still at large. Newsom ordered the practice halted last month.

**S.F. shifts gears** In July, City Attorney Dennis Herrera said that nothing in the **sanctuary** city law prevents the city from turning over undocumented immigrant juveniles who commit felonies to federal immigration authorities. Newsom said the city would start cooperating with the Immigration and Customs Enforcement agency; ICE officials say 38 underage felons have since been referred to them.

**Edwin Ramos** As the city began changing its policies, The Chronicle reported that Ramos, accused of killing three members of a family on an Excelsior district street June 22, was an undocumented immigrant from El Salvador who had twice been in San Francisco's juvenile justice system but had never been referred to federal authorities.

*E-mail Jaxon Van Derbeken at [jvanderbeken@sfchronicle.com](mailto:jvanderbeken@sfchronicle.com).*

*This article appeared on page A - 1 of the San Francisco Chronicle*

550 SHARE

(653) [View Comments](#) »

**Share your thoughts on this story.**

## Add Your Comment

You must be signed in to add a comment. [Sign In](#) | [Register](#)

[Submit](#)

### INSIDE SFGATE



#### Four-Star Bliss

A restaurant in downtown S.F. joins a very elite group. Michael Bauer.



#### Bud Flick

"Pineapple Express," Judd Apatow's stoner comedy, has some smokin' moments.



#### Hey Bush Voters

You helped put the worst prez into power. Time to pay up. Mark Morford.

### Ads by Yahoo!

#### Better Than Sample Sales

Find out when Sanctuary goes on sale in your size. ([www.shopittome.com](http://www.shopittome.com))

#### The Sanctuary

Find deals, read reviews from real people. Get the truth. Then go. ([Hotels.TripAdvisor.com](http://Hotels.TripAdvisor.com))

#### Sanctuary Camelback from \$395.00

Guaranteed Low Rates in Paradise Valley, Arizona Call Toll-free. ([www.GottaGoTravel.com](http://www.GottaGoTravel.com))



[Subscribe to The Chronicle](#)

<a href="#">Home</a>	<a href="#">News</a>	<a href="#">Sports</a>	<a href="#">Business</a>	<a href="#">Entertainment</a>	<a href="#">Food</a>	<a href="#">Living</a>	<a href="#">Travel</a>	<a href="#">Columns</a>	<a href="#">Classifieds</a>	<a href="#">Jobs</a>	<a href="#">Homes</a>	<a href="#">Cars</a>	<a href="#">Site Index</a>	<a href="#">{return to top}</a>
<b>Advertising Services:</b> Place a Classified	<a href="#">Advertise in Print</a>	<a href="#">Advertise Online</a>	<a href="#">Media Kit</a>	<a href="#">Today's Print Ads</a>	<a href="#">Public Notices</a>									
<b>Reader Services:</b> Home Delivery	<a href="#">Subscribers</a>	<a href="#">Today's Paper</a>	<a href="#">Mobile</a>	<a href="#">RSS Feeds</a>	<a href="#">Newsletters</a>	<a href="#">Join Community</a>	<a href="#">Feedback</a>	<a href="#">Buy Photos</a>	<a href="#">FAQ</a>	<a href="#">Corrections</a>				
<b>Company Info:</b> <a href="#">Contact Us</a>	<a href="#">Hearst Corp.</a>	<a href="#">Privacy Policy</a>	<a href="#">Terms and Conditions</a>	<a href="#">Work for Us</a>	<a href="#">Chronicle in Education</a>	<a href="#">Events &amp; Promotions</a>	<a href="#">Submissions</a>							

© 2008 Hearst Communications Inc.

**HEARST** newspapers

home of the

Home Delivery | Today's Paper | Ads

INTRODUCING PORTABLE  
INTERNET ACCESSWith AVIS CONNECT you can be  
online everywhere you go.  
Available at select locations. [Click for details](#)[SEARCH](#)[SFGate](#)[Web Search by YAHOO!](#)[Advanced Search](#)[Sign In](#) | [Register](#)

Don't Miss: Deluxe Jet's Flights Of Fancy | Gotti Jr. Indicted | Debra J. Saunders | Weird: Landlord Plows Into Unit | Volleyball Swap | 2008 Olympics

## Slaying suspect once found sanctuary in S.F.

Jaxon Van Derbeken, Chronicle Staff Writer  
Sunday, July 20, 2008[SHARE](#)[COMMENTS \(1148\)](#)[FONT](#) | [SIZE](#)[verizon wireless](#)

The man charged with killing a father and two sons on a San Francisco street last month was one of the youths who benefited from the city's long-standing practice of shielding illegal immigrant juveniles who committed felonies from possible deportation, The Chronicle has learned.

Edwin Ramos, now 21, is being held on three counts of murder in the June 22 deaths of Tony Bologna, 48, and his sons Michael, 20, and Matthew, 16. They were shot near their home in the Excelsior district when Tony Bologna, driving home from a family picnic, briefly blocked the gunman's car from completing a left turn down a narrow street, police say.

Ramos, a native of El Salvador whom prosecutors say is a member of a violent street gang, was found guilty of two felonies as a juvenile - a gang-related assault on a Muni passenger and the attempted robbery of a pregnant woman - according to authorities familiar with his background.

In neither instance did officials with the city's Juvenile Probation Department alert federal immigration authorities, because it was the city agency's policy not to consider immigration status when deciding how to deal with an offender. Had city officials investigated, they would have found that Ramos lacked legal status to remain in the United States.

Federal authorities, however, also missed an opportunity to take Ramos into custody just this past March - after they had learned of his immigration status and started deportation proceedings, and after Ramos was arrested in San Francisco on a gun charge. For reasons the federal agents cannot explain, they did not put an immigration hold on Ramos.

### Raised in El Salvador

Juvenile justice authorities locally had a policy for at least a decade of not turning over illegal immigrant felons to the federal government, interpreting San Francisco's self-proclaimed sanctuary-city status and state law as barring local officials from surrendering them for deportation.

Mayor Gavin Newsom rescinded that policy earlier this month after The Chronicle reported that the city had flown a number of youths out of the country on its own, in possible



#### S.F. Shielding Immigrants

[S.F. fund aids teen felons who are illegals \(8/2\)](#)[Triple-slay suspect appears in court \(7/23\)](#)[Last juvenile illegal immigrant drug offender escapes \(7/22\)](#)[Slaying suspect once found sanctuary in S.F. \(7/20\)](#)[3 more juvenile migrant drug dealers escape \(7/19\)](#)[Alleged crack dealer arrested \(7/04\)](#)[Officials: Expect surge of detainees at juvie hall \(7/04\)](#)[Editorial: No sanctuary for drug dealers \(7/03\)](#)[Policy on convicted felons changes \(7/02\)](#)[Newsom: Court has final say \(7/02\)](#)[8 crack dealers in S.F. walk away \(7/01\)](#)[Probe into migrant-offender protection \(6/29\)](#)

### Save up to \$20

off weekly rentals of five or more consecutive days.

**Budget**

Get the deal!

[MOST COMMENTED](#) | [MOST READ](#) | [MOST E-MAILED](#)

1. Prop. 8 not retroactive, Jerry Brown says
2. Governor proposes one-cent sales tax increase
3. Obama leads McCain nationally in AP-Ipsos poll
4. S.F. on course for emissions reduction goal
5. Newspaper: Black reporter booted from McCain rally
6. Emirates' decked-out A380 jet drops by SFO
7. S.F. streetcars too popular for their own good

### TopHomes

From  
Pacific Union**SAN RAMON**  
4 BR / 2 BA  
\$859,000**ALAMO**  
6 BR / 5 BA  
\$1,599,000**OAKLAND,**  
**PIEDMONT**  
3 BR / 1.5 BA  
\$799,000**SAN LEANDRO**  
3 BR / 3.5 BA  
\$469,000**OAKLAND,**  
**PIEDMONT**  
2 BR / 1 BA  
\$449,000**OAKLAND**  
3 BR / 2.5 BA  
\$475,000**OAKLAND,**  
**PIEDMONT**  
3 BR / 2.5 BA  
\$749,000**RICHMOND**  
3 BR / 3 BA  
\$699,000**BERKELEY,**  
**KENSINGTON**  
3 BR / 2 BA

violation of federal law, and then housed some in unlocked group homes from which they quickly escaped.

Ramos came to the United States at age 13 from El Salvador, where he had been raised by his grandmother.

Authorities familiar with his background said Ramos wanted to be near his mother, who had abandoned him when he was 4 months old; she was living with two of her other children in San Francisco.

According to records, his first contact with San Francisco police came Oct. 22, 2003, when officers were summoned to investigate an attack on a Muni bus at 21st and Mission streets.

Ramos, who had just turned 17, had allegedly flashed gang signs and banged on the bus' windows with two other gang members. The three then yelled, "Who are you with?" at a passenger, who responded that he did not belong to a gang, police said.

At that point, Ramos and the other two boarded the bus and beat and kicked the man, an attack that was recorded by the bus' video camera, authorities said.

Ramos was taken to juvenile hall on charges of assault and participating in a street gang. He was later convicted in juvenile court and was put in a shelter.

At that point, under federal law, Ramos could have been referred to the Immigration and Customs Enforcement agency. But the Juvenile Probation Department's policy for dealing with offenders stipulated that "probation officers shall not discriminate in any fashion against minors based on their immigration status." If the department made any inquiries into whether Ramos was a legal U.S. resident, it did not pass along its findings to the federal government.

## New crime within days

On April 2, 2004, Ramos was released to the custody of his mother, but was still considered a ward of the court and was on probation. Just four days later, records show, he committed another crime at 19th and Mission streets, two blocks from the site of the attack on the Muni passenger.

Records indicate that Ramos and two other men approached a pregnant woman from behind during the middle of the day, and that Ramos tried to yank away her backpack-style purse.

The woman's brother was walking alongside and tried to stop the attack. He pushed Ramos away, he later said, but Ramos punched him and fled.

The man found a police officer and pointed out Ramos nearby. A month later, Ramos was convicted as a juvenile of attempted robbery, a felony, but cleared of assault.

Ramos was sent to Log Cabin Ranch, a city-run camp in the hills of the Peninsula, in June 2004. He was freed in February 2005, this time to live with his mother's sister.

Federal authorities finally learned that Ramos wasn't a legal U.S. resident sometime after he turned 18, when he applied for temporary residency status and was turned down. The records are confidential, so the exact date of Ramos' application is unclear, but ICE spokeswoman Virginia Kice said that once he was turned down, he would have been considered deportable.

By that time, however, Ramos had married a woman who is a U.S. citizen and applied again to immigration officials to stay in the United States, this time as a permanent resident. That request was pending at the time Tony Bologna and his sons were shot to death.

## Another break

**\$895,000**  
**OAKLAND**  
3 BR / 2.5 BA  
\$599,000  
See more from this broker  
**PACIFIC UNION**  
GMAC Real Estate  
[About Top Homes](#)

**Earn FREE  
Rental Days**  
**Plus Save With  
Low Rates**



**ENROLL NOW** 

**AVIS Corporate Awards**  
REGULAR  
[www.avis.com](http://www.avis.com)

### HOMES

  
**Make a big splash with a little water**  
A fish pond can transform the bleakest backyard into a lush hideaway. I wouldn't have...

**Reverse mortgages: Bad rap or bad idea?**  
How to negotiate closing costs  
Mom can't control her adult son's lease  
[Search Homes >](#)

### CARS

**Nissan cars to push back when drivers put the pedal to the metal**  
Nissan Motor Co. will soon sell cars that push back when drivers try to floor it. It has also developed a test model packed with additional sensor...

**Kia introduces full-size Borrego SUV**  
Car leasing's fall means cost climb  
Vote for the best auto services in the Bay Area  
[Search Cars >](#)

### JOBS

**Union says back-channel talks held with studios**  
Screen Actors Guild said back-channel talks are under way with Hollywood studios on a contract to replace the one that expired on June 30...

**U.S. unemployment rate hits 4-year high**  
Hillary Clinton rouses union workers in S.F.  
GM may consider more layoffs  
[Search Jobs >](#)

### ADVERTISERS

**Save \$400 Per Couple!**  
Pleasant Holidays

In March, three months before the killings, Ramos was arrested in San Francisco after police pulled him over because his car had illegally tinted windows and no front license plate. An alleged gang member in the car tried to discard a gun, but police recovered it and later concluded that it had been used in a double killing, authorities said.

ID theft is happening everywhere. Get Protected

The police report of the incident cited "numerous documented contacts" that officers had with Ramos and the man who allegedly discarded the gun, and said both were active members of the Mara Salvatrucha (MS-13) street gang.

Own '06 Chronicle Quake & Fire Photos & Frontpages

San Francisco prosecutors, however, declined to file charges against Ramos, saying they couldn't prove that he knew his companion had the gun.

When Ramos was arrested, sheriff's deputies checked his immigration status on a national database and learned that he was considered deportable, immigration and sheriff's officials say. Eileen Hirst, chief of staff for Sheriff Michael Hennessey, said deputies had asked whether federal officials wanted to place a hold on Ramos so he could be taken into immigration custody.

"In our communication with ICE, they specifically told us they were not placing a detainer on him," Hirst said. "We cannot hold people in custody without a documented reason to hold them."

Kice acknowledged that federal authorities had not asked for Ramos to be held. She said she did not know why.

### **City now referring offenders**

Since Newsom announced the city's policy shift, San Francisco has referred at least 10 juvenile offenders to ICE for possible deportation proceedings.

In an interview Friday, Newsom declined to comment on Ramos' history in San Francisco's juvenile justice system, saying it would be wildly inappropriate to do so given the confidentiality of juvenile criminal records.

Newsom's juvenile probation director, William Siffermann, inherited his agency's policy of not turning over illegal immigrant juveniles for deportation when he took the job in early 2005. All of Ramos' contacts with the city's juvenile justice system took place before Siffermann came on board.

Siffermann said in an interview, "I am not going to confirm any of his prior dealings with our department. I can't comment on what the implications were for our department when that decision was made. That is part of what we're reviewing."

Ramos' lawyer in the triple-murder case, Robert Amparan, did not address the issue of Ramos' immigration status, saying only that there were several people who would vouch for his client's character and good work in the community.

"I've gotten several calls from community workers, educators and city service providers who know and work with Edwin," Amparan said. "They all expressed support and say they had never known him to be involved in anything like the allegations against him."

### **What might not have been**

Joseph Russoniello, the U.S. attorney for Northern California, said he welcomed the city's re-examination of its policies related to how it handles illegal immigrant youths who commit felonies.

"A formula has to be found that accommodates the public's right to be safe and the juvenile's need to be protected, in many cases, from themselves," Russoniello said. "It is something that cries out for more attention than we're giving it."

As for the killings of the Bolognas, Russoniello said, "Is this something that could have been prevented? I don't know."

Danielle Bologna, however, said that if the government had done its job, the killings of her husband and two sons "would never have happened."

"It was senseless," she said. "And to think they didn't deport him back, knowing that he did not have papers and he was here illegally, it is a big issue."

"They need to take responsibility, the city," Bologna said. "They didn't do anything. ... He should have been deported. This is huge. I'm extremely angry about this."

*E-mail Jaxon Van Derbeken at [jvanderbeken@sfchronicle.com](mailto:jvanderbeken@sfchronicle.com).*

*This article appeared on page A - 1 of the San Francisco Chronicle*

 SHARK

**(1148)** [View Comments >](#)

**Share your thoughts on this story.**

### Add Your Comment

You must be signed in to add a comment. [Sign In](#) | [Register](#)

### INSIDE SFGATE



**Four-Star Bliss**  
A restaurant in downtown S.F. joins a very elite group. Michael Bauer.



**Bud Flick**  
"Pineapple Express," Judd Apatow's stoner comedy, has some smokin' moments.



**Hey Bush Voters**  
You helped put the worst prez into power. Time to pay up, Mark Morford.

» [View All Inside SFGATE Stories](#)

### Ads by Yahoo!

#### Online Degrees

Get Your AA, BA, Masters or PhD at a Top Online School. Start Now. ([www.NexTag.com](http://www.NexTag.com))

#### See Today's Mortgage Rates

Calculate Your New Mortgage Payment. See Rates- No Credit Check Req. ([www.LowerMyBills.com](http://www.LowerMyBills.com))

#### No Time for School? Graduate Online

Get a Degree in as Few as 2 Yrs- Graduate Faster with Online Classes. ([www.ClassesUSA.com](http://www.ClassesUSA.com))



[Subscribe to The Chronicle](#)

<a href="#">Home</a>	<a href="#">News</a>	<a href="#">Sports</a>	<a href="#">Business</a>	<a href="#">Entertainment</a>	<a href="#">Food</a>	<a href="#">Living</a>	<a href="#">Travel</a>	<a href="#">Columns</a>	<a href="#">Classifieds</a>	<a href="#">Jobs</a>	<a href="#">Homes</a>	<a href="#">Cars</a>	<a href="#">Site Index</a>	<a href="#">[return to top]</a>
<b>Advertising Services:</b> Place a Classified	<a href="#">Advertise in Print</a>	<a href="#">Advertise Online</a>		<a href="#">Media Kit</a>	<a href="#">Today's Print Ads</a>	<a href="#">Public Notices</a>								
<b>Reader Services:</b> Home Delivery	<a href="#">Subscribers</a>	<a href="#">Today's Paper</a>	<a href="#">Mobile</a>	<a href="#">RSS Feeds</a>	<a href="#">Newsletters</a>	<a href="#">Join Community</a>	<a href="#">Feedback</a>	<a href="#">Buy Photos</a>	<a href="#">FAQ</a>	<a href="#">Corrections</a>				
<b>Company Info:</b> Contact Us	<a href="#">Hearst Corp.</a>	<a href="#">Privacy Policy</a>	<a href="#">Terms and Conditions</a>	<a href="#">Work for Us</a>	<a href="#">Chronicle in Education</a>	<a href="#">Events &amp; Promotions</a>	<a href="#">Submissions</a>							

© 2008 Hearst Communications Inc.

**HEARST** newspapers

home of the

Home Delivery | Today's Paper | Ads



Get the Big Boy Upgrade on your next business trip. Visit [budget.com/upgrade](http://budget.com/upgrade) and Rent Like a Genius.

SEARCH

SFGate

Web Search by YAHOO!

Advanced Search

Sign In | Register

Don't Miss: Deluxe Jet's Flights Of Fancy Gotti Jr. Indicted Debra J. Saunders Weird: Landlord Plows Into Unit Volleyball Swap 2008 Olympics

## San Francisco: Sanctuary City Gone Awry

Cinnamon Stillwell

Wednesday, July 16, 2008

SHARE

COMMENTS (195)

FONT | SIZE: A A

verizon wireless

Cinnamon Stillwell

Archive

### Opinion

- › Main Opinion Page
- › Chronicle Sunday Insight
- › Chronicle Campaigns

- › SF Chronicle Submissions
- › Letters to the Editor
- › Open Forum
- › Sunday Insight

San Francisco's political establishment has long prided itself on providing a haven for illegal immigrants. Mayor Gavin Newsom even launched a taxpayer-funded \$83,000 "public awareness campaign" earlier this year assuring illegal immigrants that the "sanctuary city" by the bay was in their court.

And indeed it is. Under the city's 1989 voter-approved **sanctuary** ordinance, police officers and other city employees are prohibited from inquiring into immigration status. In addition, the city will not direct municipal funds or employees towards assisting federal immigration enforcement, unless such assistance is required by federal or state law or a warrant.

No doubt such protections warm the heart of the city's liberal leadership. But San Francisco's status as a **sanctuary** city is having unintended consequences.

The brutal and senseless murder last month of Tony Bologna and his sons Michael, 20, and Matthew, 16, at the hands of Edwin Ramos, a native of El Salvador and known member of the Mara Salvatrucha (MS-13) street gang, was a reminder that inviting illegal activity can turn deadly. The Bolognas were on their way back from a family picnic when they inadvertently blocked Ramos' car from making a left turn in the Excelsior district. When Bologna politely backed up to let the other car past, Ramos responded by opening fire and killing all three passengers. Ramos has been charged with three counts of murder, with the added penalty of street-gang involvement.

So far, much of the outcry surrounding the case has centered on San Francisco district attorney Kamala Harris' policy of not seeking the death penalty, in this case, against the wishes of widow, Danielle Bologna. But in the process, Ramos' immigration status has largely been overlooked. Ramos' original lawyer, Joseph O'Sullivan, claimed that his client was in the country legally and applying for permanent residence, but federal immigration authorities insist otherwise and promise to deport Ramos if he is convicted. O'Sullivan has since asked to be removed from the case, claiming a connection via a previous client. Thus, he has never had to explain his assertions regarding Ramos' immigration status.

This certainly wasn't Ramos' first brush with the law. He was booked both on felony weapons charges and for being a member of a criminal street gang earlier this year, but escaped prosecution for lack of evidence. However, as reported by the San Francisco Chronicle, the San Francisco Police Department "cited 'numerous documented contacts' that officers had with Ramos and [his companion] Lopez, and said both were active members of the MS-13 street gang." But thanks to San Francisco's **sanctuary** city status, instead of being reported to federal immigration authorities and deported, Ramos was allowed continue to roam the streets of San Francisco until his arrest for the Bologna killings.

**California!**  
Your food safety  
is at risk!

**Stop the BPA ban!**

**>> TAKE ACTION NOW!**

MOST COMMENTED MOST READ MOST E-MAILED

1. Prop. 8 not retroactive, Jerry Brown says
2. Governor proposes one-cent sales tax increase
3. Obama leads McCain nationally in AP-Ipsos poll
4. S.F. on course for emissions reduction goal
5. Newspaper: Black reporter booted from McCain rally
6. Emirates' decked-out A380 jet drops by SFO
7. S.F. streetcars too popular for their own good

## TopJobs

**AIRLINE**  
FLY THE GOOD TIMES!  
KINGFISHER AIRLINES

**BANKING**  
An Island of  
Opportunity!!!!  
Bank of Hawaii

**BIOTECHNOLOGY**  
Clinical Research  
Associate

**COMMUNICATIONS**  
Strategize & Coord  
Communications!  
Oakland Housing  
Authority

**COMPUTER**  
Lead the redesign of  
the USF website  
University of San  
Francisco

**EDUCATION**  
A Great Working  
Environment!!!  
Spectrum Center

**EDUCATION**  
Curriculum, Tenure  
Review, Evaluatio  
City College of San  
Francisco

San Francisco's **sanctuary** policy has also taken a statewide toll. While adult illegal immigrant felons are not protected by the ordinance, no such stipulation exists for juvenile offenders, and city officials have used that loophole to dump the problem onto other counties. Earlier this month, San Bernardino County officials threatened to sue the city of San Francisco for sending a group of Honduran, illegal immigrant, juvenile crack dealers to group homes in the city of Yucaipa without notification. Eight of them simply walked away from the unsecured group homes and only one has been recaptured. Officials later acknowledged that this wasn't the first time San Francisco had unloaded criminal illegal immigrants onto San Bernardino County. In fact, Yucaipa has seen a rise in violent crime in accordance with the influx of foreign offenders to its group homes in recent years.

This time around, the outcry from San Bernardino officials caused Mayor Newsom to alter the city's approach to juvenile offenders. No doubt, Newsom's interest in running for governor of California, which he announced just before the controversy erupted, influenced his decision. While Newsom may find a sympathetic audience in San Francisco to his former commitment to **sanctuary** protections for illegal immigrants, it could prove a liability on the statewide level.

Even on a local level, there's some indication that people are getting fed up with the city's insistence on emphasizing ideology over public safety. In a local CBS poll, 79 percent of respondents agreed that San Francisco should "turn over convicted illegal immigrants for deportation."

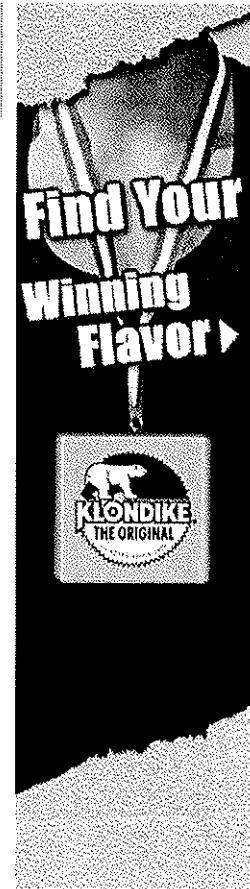
Monetary concerns are another factor. It doesn't help that Mayor Newsom and other officials bemoan the city's \$338 million budget deficit, even as funds continue to pour into sustaining San Francisco's **sanctuary** city policies. San Francisco has spent millions of dollars housing juvenile, illegal immigrant offenders and hundreds of thousands of dollars flying them back to their countries of origin in recent years, instead of turning them over to federal immigration authorities as federal law requires. In the wake of the furor over the Honduran case and federal authorities' demand that San Francisco end the flights, the city started housing some of the dealers in youth rehabilitation centers, costing taxpayers \$7,000 per month, per person.

Then there's San Francisco Supervisor and State Assembly candidate Tom Ammiano's brilliant plan to provide municipal identification cards to those who either cannot or will not obtain a state-issued driver's license – or in other words, illegal immigrants. Set to go into effect next month, the ID program could cost up to \$2.86 million in the first three years, according to a County Clerk estimate. As it turns out, Newsom's aforementioned \$83,000 taxpayer-funded love letter to illegal immigrants was just the icing on the cake.

Supporters of San Francisco's **sanctuary** city policies, which include members of the local faith community who inspired the original ordinance, argue that the current approach is the only humane solution. In its 2007 pledge, the New **Sanctuary** Movement, describing immigration raids, stated that "We cannot in good conscience ignore such suffering and injustice." But where is the compassion for the injustice inflicted upon American citizens? Others argue that juvenile illegal immigrants deserve special treatment because they are minors. But this ignores the fact that criminal illegal immigrants and the drug cartels for whom some of them work, are aware of San Francisco's former **sanctuary** loophole and have taken to falsely claiming juvenile status as a result. Still, others argue that police departments need to work with illegal immigrants in the community in order to effectively tackle crime and that fears of deportation get in the way. But extending the current, chaotic state of affairs will only lead to further crime and misery, even for those within such communities.

While San Francisco's **sanctuary** city ordinance may have been well-intentioned, it has resulted in an untenable and anarchic situation that is taking its toll on city residents and surrounding counties alike. Providing **sanctuary** for law-breakers at the expense of law-

About Top Jobs  
View All Top Jobs  
Search more Jobs  
provided by  
**YAHOO! HOTJOBS**



## HOMES



**Make a big splash with a little water**  
A fish pond can transform the bleakest backyard into a lush hideaway. I wouldn't have...

Reverse mortgages: Bad rap or bad idea?  
How to negotiate closing costs  
Mom can't control her adult son's lease  
Search Homes »

## CARS

**Nissan cars to push back when drivers put the pedal to the metal**  
Nissan Motor Co. will soon sell cars that push back when drivers try to floor it. It has also developed a test model packed with additional sensor...

Kia introduces full-size Borrego SUV  
Car leasing's fall means cost climb  
Vote for the best auto services in the Bay Area  
Search Cars »

## JOBS

**Union says back-channel talks held with studios**  
Screen Actors Guild said back-channel talks are under way with Hollywood studios on a contract to replace the one that expired on June 30...

U.S. unemployment rate hits 4-year high  
Hillary Clinton rouses union workers in S.F.  
GM may consider more layoffs  
Search Jobs »

## ADVERTISERS

Own Timeless Beautiful Photos From Chronicle Collection

abiding citizens is neither a compassionate nor a moral approach. The issue is not one of callousness towards illegal immigrants, but rather, the duty owed American citizens by their government. In some respects, every layer of the government has failed this test, but in this case, it's the local government that is absconding on its duties. And all San Francisco officials can seem to offer up is more of the same.

They don't call it the Wild West for nothing.

*Cinnamon Stillwell is a San Francisco writer. She can be reached at cinnamonstillwell@yahoo.com. She also writes for the blog at campus-watch.org.*

SHARE

[\(195\) View Comments »](#)

**Share your thoughts on this story.**

**Add Your Comment**

You must be signed in to add a comment. [Sign In](#) | [Register](#)

**INSIDE SFGATE**



**Four-Star Bliss**  
A restaurant in downtown S.F. joins a very elite group. Michael Bauer.



**Bud Flick**  
"Pineapple Express," Judd Apatow's stoner comedy, has some smokin' moments.



**Hey Bush Voters**  
You helped put the worst prez into power. Time to pay up. Mark Morford.

»»»»»

**Ads by Yahoo!**

**Better Than Sample Sales**

Find out when Sanctuary goes on sale in your size. ([www.shopittome.com](http://www.shopittome.com))

**The Sanctuary**

Find deals, read reviews from real people. Get the truth. Then go. ([Hotels.TripAdvisor.com](http://Hotels.TripAdvisor.com))

**Sanctuary Camelback from \$395.00**

Guaranteed Low Rates in Paradise Valley, Arizona Call Toll-free. ([www.GottaGoTravel.com](http://www.GottaGoTravel.com))



[Subscribe to The Chronicle](#)

[Home](#) [News](#) [Sports](#) [Business](#) [Entertainment](#) [Food](#) [Living](#) [Travel](#) [Columns](#) [Classifieds](#) [Jobs](#) [Homes](#) [Cars](#) [Site Index](#)

[\[return to top\]](#)

**Advertising Services:** Place a Classified [Advertise in Print](#) [Advertise Online](#) [Media Kit](#) [Today's Print Ads](#) [Public Notices](#)

**Reader Services:** [Home Delivery](#) [Subscribers](#) [Today's Paper](#) [Mobile](#) [RSS Feeds](#) [Newsletters](#) [Join Community](#) [Feedback](#) [Buy Photos](#) [FAQ](#) [Corrections](#)

**Company Info:** [Contact Us](#) [Hearst Corp.](#) [Privacy Policy](#) [Terms and Conditions](#) [Work for Us](#) [Chronicle in Education](#) [Events & Promotions](#) [Submissions](#)

© 2008 Hearst Communications Inc.

**HEARST newspapers**

home of the

Home Delivery | Today's Paper | Ads

INTRODUCING PORTABLE  
INTERNET ACCESSWith AVIS CONNECT you can be  
online everywhere you go.Available at select locations. [Click for details](#)[SEARCH](#)[SFGate](#)[Web Search by YAHOO!](#)[Advanced Search](#)[Sign In](#) | [Register](#)

Don't Miss: Deluxe Jet's Flights Of Fancy Gotti Jr. Indicted Debra J. Saunders Weird: Landlord Plows Into Unit Volleyball Swap 2008 Olympics

## 8 crack dealers shielded by S.F. walk away

Jaxon Van Derbeken, Chronicle Staff Writer  
Tuesday, July 1, 2008[SHARE](#)[COMMENTS \(1004\)](#)[FONT](#) [SIZE](#)[verizon wireless](#)

**(06-30) 19:49 PDT San Francisco** -- An effort by San Francisco to shield eight young Honduran crack dealers from federal immigration officials backfired when the youths escaped from Southern California group homes within days of their arrival, officials said Monday.

The walkaways are the latest in a string of embarrassments for city officials who are protecting illegal-immigrant drug dealers from federal authorities and possible deportation because of San Francisco's 1989 declaration that the city is a sanctuary for undocumented immigrants.

<< Related story: Feds probe S.F.'s immigrant shield >>

Until recently, San Francisco flew juvenile illegal immigrants convicted of drug crimes to their home countries rather than cooperate with the federal Immigration and Customs Enforcement agency, a practice that drew national attention when The Chronicle reported it Sunday.

When federal law enforcement authorities demanded that San Francisco halt the flights and began a criminal investigation, the city decided to house some of the dealers in long-term youth rehabilitation centers. Some of those centers are run by a nonprofit company called Silverlake Youth Services in mountain towns southeast of San Bernardino.

Eight Honduran juveniles who had been convicted of dealing drugs in San Francisco were sent within the past few weeks to the company's group homes, where one month's placement costs \$7,000 per youth - an expense borne by San Francisco taxpayers.

Within 10 days of being sent to the unlocked group homes, however, all eight youths ran away, said Bill Siffermann, head of juvenile probation in San Francisco. He said his agency has issued arrest warrants for them.

Siffermann said the city has stopped sending juvenile offenders to Silverlake because of the escapes. "We have now eliminated that as a prospect," he said, adding that San Francisco is trying to come up with an approach for handling the juveniles that does not involve giving them to federal immigration authorities.

San Bernardino County sheriff's Capt. Bart Gray said Silverlake had reported the Honduran youths as runaways - not as juvenile offenders. Three of the youths were listed as missing from Silverlake's Douglas House in the town of Yucaipa, 16 miles southeast of San

## S.F. Shielding Immigrants

S.F. fund aids teen felons who are illegals (8/2)

Triple-slay suspect appears in court (7/23)

Last juvenile illegal immigrant drug offender escapes (7/22)

Slaying suspect once found sanctuary in S.F. (7/20)

3 more juvenile migrant drug dealers escape (7/19)

Alleged crack dealer arrested (7/04)

Officials: Expect surge of detainees at juvie hall (7/04)

Editorial: No sanctuary for drug dealers (7/03)

Policy on convicted felons changes (7/02)

Newsom: Court has final say (7/02)

8 crack dealers in S.F. walk away (7/01)

Probe into migrant-offender protection (6/29)

## Save up to \$20

off weekly rentals of five or more consecutive days.

**Budget**

Budget Features Ford Vehicles

Details... Details...

[MOST COMMENTED](#) [MOST READ](#) [MOST E-MAILED](#)

1. Prop. 8 not retroactive, Jerry Brown says
2. Governor proposes one-cent sales tax increase
3. Obama leads McCain nationally in AP-Ipsos poll
4. S.F. on course for emissions reduction goal
5. Newspaper: Black reporter booted from McCain rally
6. Emirates' decked-out A380 jet drops by SFO
7. S.F. streetcars too popular for their own good

## TopJobs

## ENGINEERS

Expand Your Horizons  
at KANA!  
KANA Software

## FINANCE

in beautiful Portland,  
Oregon!  
IBERDROLA  
RENEWABLES

## HEALTHCARE

Healthcare from a  
higher view!!!  
Seton Medical Center

## HEALTHCARE

OPEN HOUSE Thursday  
8/7  
NextGen Healthcare

## HEALTHCARE

One Great Employee at  
a Time!!!  
NextGen Healthcare

## HEALTHCARE

UC Davis Primary Care  
Network  
UC Davis Health  
System

## HEALTHCARE

This isn't just a well  
paid job!!!  
CA Prison Health Care  
Services

Bernardino, on June 20 and two more on June 22, Gray said.

Juvenile probation officials say three other Honduran youths who had been convicted as juveniles in San Francisco disappeared from another Silverlake-run group home, but it was not immediately known which one.

Silverlake officials confirmed that the youths had vanished but would say nothing further, referring inquiries to San Francisco officials. Silverlake's operations officer, Jeff Boyd, said he was barred by law from commenting.

### Fruit trees and farm animals

Silverlake's Web site says the company maintains 10 group homes that "exist for the sole purpose of providing a home environment and psychological health care for troubled youth. The focus of the program is to provide residents with the opportunity to gain effective control over their lives through the acquisition of rethinking skills and positive character growth."

The site adds that many of the group homes "have large lots and offer the opportunity for the residents to garden, tend to fruit trees and raise farm animals."

San Francisco sent the youths to the Southern California group homes after federal authorities demanded that they stop flying illegal immigrant juvenile offenders to their homeland without alerting immigration officials.

Turning the youths over to federal authorities for deportation could have resulted in their being legally barred from ever returning to the United States. Federal officials said the city's practice of returning the youths to their homeland to be reunited with their families did nothing to prevent drug-dealing juveniles from coming right back to the United States.

### Illegal crossings

They also noted that it is a crime to help an illegal immigrant cross the border, even if it is to leave the country.

San Francisco officials countered that many of the youths were victims of drug dealers and that it wasn't fair to bar them from ever becoming citizens.

The eight youths who escaped from the San Bernardino County group homes were scheduled to be flown back to Honduras before city juvenile probation authorities halted the flights in May. They were not convicted of violent crimes, so they were ineligible to be sent to the California Youth Authority. San Francisco did not send them to the county's Log Cabin Ranch on the Peninsula for the same reason.

The eight were among dozens of young Honduran illegal immigrants who have been arrested in San Francisco in recent years for dealing drugs. Police said many of the Hondurans - some of whom they believe are actually adults - live communally in other local cities at the behest of drug lords, who finance their travel here and threaten to kill their families if they cooperate with law enforcement.

Officials say at least 22 illegal immigrants are being held at the city's juvenile hall.

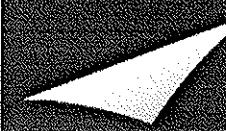
San Francisco sent four illegal immigrant juvenile offenders from El Salvador and elsewhere to the Silverlake home in Yucaipa last year. All four escaped within three weeks, San Bernardino County authorities said.

### County resentful

Undersheriff Richard Beemer said the practice of "dumping" youths in his county "is a huge concern."

About Top Jobs  
View All Top Jobs  
Search more Jobs  
PROVIDED BY  
**YAHOO! hotjobs**

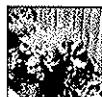
**Earn FREE  
Rental Days**  
Plus Save With  
Low Rates



CHROLL NOW

**AVIS Corporate Awards**  
PROGRAM  
[www.avis.com](http://www.avis.com)

#### HOMES



**Make a big splash with a little water**  
A fish pond can transform the bleakest backyard into a lush hideaway. I wouldn't have...

Reverse mortgages: Bad rap or bad idea?

How to negotiate closing costs

Mom can't control her adult son's lease

[Search Homes >](#)

#### CARS

##### Nissan cars to push back when drivers put the pedal to the metal

Nissan Motor Co. will soon sell cars that push back when drivers try to floor it. It has also developed a test model packed with additional sensor...

Kia introduces full-size Borrego SUV

Car leasing's fall means cost climb

Vote for the best auto services in the Bay Area

[Search Cars >](#)

#### JOBS

##### Union says back-channel talks held with studios

Screen Actors Guild said back-channel talks are under way with Hollywood studios on a contract to replace the one that expired on June 30...

U.S. unemployment rate hits 4-year high

Hillary Clinton rouses union workers in S.F.

GM may consider more layoffs

[Search Jobs >](#)

#### ADVERTISERS

ID theft is happening everywhere. Get Protected

"These are not youth placement facilities," Beemer said. "They are homes. They are not locked down."

Own Timeless Beautiful Photos From Chronicle Collection

The youths sent there are hundreds of miles from their probation officers in San Francisco, so "they end up being a problem in the community," Beemer said.

"This is in no way rehabilitating them," he said. "They are coming in and engaging in the same kind of conduct that got them sent down here."

Beemer added that "no community likes to have ex-felons. The same is true for juveniles who have committed felonies, who were engaged in criminal activity. We don't want them dumped in our community - they are not our responsibility."

### 'Imported' offenders

Gray, the sheriff's captain, said his community is besieged by "imported" offenders who take up an inordinate amount of his department's resources.

Lidia Stiglich, president of the San Francisco commission that oversees the Juvenile Probation Department, said she was working with the mayor's office and the probation department to decide what to do with offenders the city refuses to turn over to federal immigration authorities.

"Everyone is looking at the current policies," she said. She would not comment on the San Bernardino County escapes.

With flights home and cooperation with federal authorities ruled out and the Southern California group homes off the table, Siffermann said, "We're running out of options."

*E-mail Jaxon Van Derbeken at [jvanderbeken@sfchronicle.com](mailto:jvanderbeken@sfchronicle.com).*

*This article appeared on page A - 1 of the San Francisco Chronicle*

SHARE

(1004) [View Comments »](#)

**Share your thoughts on this story.**

**Add Your Comment**

You must be signed in to add a comment. [Sign In](#) | [Register](#)

Submit

INSIDE SFGATE



**Four-Star Bliss**  
A restaurant in downtown S.F. joins a very elite group. Michael Bauer.



**Bud Flick**  
"Pineapple Express," Judd Apatow's stoner comedy, has some smokin' moments.



**Hey Bush Voters**  
You helped put the worst prez into power. Time to pay up. Mark Morford.

0 0 0

»

Ads by Yahoo!

**Online Degrees**

Get Your AA, BA, Masters or PhD at a Top Online School. Start Now. ([www.NexTag.com](http://www.NexTag.com))

**See Today's Mortgage Rates**

Calculate Your New Mortgage Payment. See Rates- No Credit Check Req. ([www.LowerMyBills.com](http://www.LowerMyBills.com))

**No Time for School? Graduate Online**  
Get a Degree in as Few as 2 Yrs- Graduate Faster with Online Classes.  
([www.ClassesUSA.com](http://www.ClassesUSA.com))



Subscribe to The Chronicle

[Home](#) [News](#) [Sports](#) [Business](#) [Entertainment](#) [Food](#) [Living](#) [Travel](#) [Columns](#) [Classifieds](#) [Jobs](#) [Homes](#) [Cars](#) [Site Index](#)

[\[return to top\]](#)

**Advertising Services:** Place a Classified [Advertise in Print](#) [Advertise Online](#) [Media Kit](#) [Today's Print Ads](#) [Public Notices](#)

**Reader Services:** [Home Delivery](#) [Subscribers](#) [Today's Paper](#) [Mobile](#) [RSS Feeds](#) [Newsletters](#) [Join Community](#) [Feedback](#) [Buy Photos](#) [FAQ](#) [Corrections](#)

**Company Info:** [Contact Us](#) [Hearst Corp.](#) [Privacy Policy](#) [Terms and Conditions](#) [Work for Us](#) [Chronicle in Education](#) [Events & Promotions](#) [Submissions](#)

© 2008 Hearst Communications Inc.

**HEARST** newspapers